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PATENT

ATTORNEY DOCKET: 46884-5382

UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
Akimitsu KAKUI et al. ) Confirmation No.: 4856  
)  
Application No.: 10/533,116 ) Group Art Unit: 1641  
)  
Filed: January 23, 2006 ) Examiner: Unassigned  
)  
For: DISEASE DETERMINATION )  
METHOD, DATA GENERATION )  
METHOD FOR DISEASE )  
DETERMINATION AND DATA )  
GENERATION SYSTEM FOR )  
DISEASE DETERMINATION )

Commissioner for Patents  
U.S. Patent and Trademark Office  
**Customer Window, Mail Stop Amendment**  
Alexandria, VA 22314

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO Form 1449. To the best of the undersigned's knowledge, this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application. Accordingly, Applicants do not believe that a fee is due for filing this paper.

A Supplementary European Search Report dated August 17, 2007 that issued in a corresponding patent application and having documents cited therein is attached for the Examiner's consideration.

The relevance of the attached foreign language documents can be understood from the attached English-language abstract, and/or from the citation of the document in the attached Supplementary European Search Report.

Applicants respectfully request that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached PTO Form 1449.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute "prior art." If it should be determined that the listed documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should the documents be applied against the claims of the present application.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.13(a)(3).

Respectfully submitted,

**DRINKER, BIDDLE & REATH LLP**

Dated: October 2, 2007

By: 

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Date of Dispatch: August 17, 2007

## SEARCH REPORT

Patent Application No.: 03770030.9

### Cited Documents:

- 1 . US Patent No. US5303026
- 2 . US Patent No. US4559309
- 3 . US Patent No. US5532166
- 4 . European Patent Application Laid-Open No. EP1203944